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9 Attorneys for Plaintiffs,  
10 LAFACE RECORDS LLC; ELEKTRA  
11 ENTERTAINMENT GROUP INC.; UMG  
12 RECORDINGS, INC.; and WARNER  
13 BROS. RECORDS INC.

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

20 LAFACE RECORDS LLC, a Delaware limited  
liability company; ELEKTRA  
21 ENTERTAINMENT GROUP INC., a Delaware  
corporation; UMG RECORDINGS, INC., a  
Delaware corporation; and WARNER BROS.  
RECORDS INC., a Delaware corporation,

22 Plaintiffs,

23 v.

24 JENNIFER LYNN GLASS,

25 Defendant.

26 CASE NO. 4:07-CV-04847-SBA

27 Honorable Saundra Brown Armstrong

28 **EX PARTE APPLICATION TO CONTINUE  
CASE MANAGEMENT CONFERENCE  
AND [PROPOSED] ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference  
 2 currently set for July 17, 2008, at 4:00 p.m., to October 16, 2008. As further explained below,  
 3 Defendant Jennifer Lynn Glass (“Defendant”) has not yet been served or appeared in this action, and  
 4 therefore there is no need for a case management conference at this time.

5 1. Plaintiffs filed their initial Complaint against a John Doe defendant on September 20,  
 6 2007. In order to obtain information sufficient to identify the Doe defendant, Plaintiffs also filed  
 7 their *Ex Parte* Application for Leave to Take Immediate Discovery on September 20, 2007, seeking  
 8 the Court’s permission to serve a Rule 45 subpoena on Defendant’s Internet Service Provider  
 9 (“ISP”). On October 4, 2007, the Court issued its Order for Leave to Take Immediate Discovery,  
 10 which was promptly served on the ISP along with a Rule 45 subpoena. On November 16, 2007, the  
 11 ISP responded to Plaintiffs’ subpoena, identifying the Defendant, Jennifer Lynn Glass.

12 2. While the case was still in the Doe stage, the Court issued a January 4, 2008 Order  
 13 granting Plaintiffs’ previous request to continue the case management conference from January 10,  
 14 2008, and once the First Amended Complaint was filed, the Court issued an order on March 28,  
 15 2008 granting Plaintiffs’ second request to continue the case management conference from April 9,  
 16 2008.<sup>1</sup>

17 3. After the ISP identified Ms. Glass, Plaintiffs sent her a letter notifying her of  
 18 Plaintiffs’ copyright infringement claim and inviting her to contact Plaintiffs to attempt to resolve  
 19 the dispute. Although that letter was returned undelivered, Plaintiffs made further attempts to reach  
 20 Ms. Glass and were eventually able to initiate settlement talks and forward written notification of  
 21 their claims. The parties did not reach a settlement.

22 4. Accordingly, Plaintiffs filed a First Amended Complaint on February 29, 2008,  
 23 naming Ms. Glass individually as Defendant.

24 5. To date, Plaintiffs’ attempts to serve Defendant with process have been unsuccessful.  
 25 Although Plaintiffs believe that Defendant is avoiding service and have sent her a service waiver

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27 <sup>1</sup> The Court also issued two orders granting Plaintiffs’ requests for extensions of time to effectuate  
 28 service. These orders were issued on May 5, 2008 and June 16, 2008.

request, Defendant has not yet returned the waiver, which is due back on July 3, 2008. Thus, Plaintiffs' efforts to serve Defendant will continue.

6. Given the foregoing circumstances, a case management conference is unnecessary at this time. Plaintiffs therefore respectfully request that the Court continue the case management conference currently set for July 16, 2008, at 2:30 p.m., to October 15, 2008, or such other date as conveniences the Court.

7. Plaintiffs will provide Defendant with a copy of this request and any Order concerning this request when service of process occurs.

Dated: July 2, 2008

## HOLME ROBERTS & OWEN LLP

By: /s/ Dawnieill Alise Zavala  
DAWNIELL ALISE ZAVALA  
Attorney for Plaintiffs

## [PROPOSED] ORDER

Good cause having been shown:

**IT IS ORDERED** that the case management conference currently set for July 16, 2008, at 2:30 p.m., be continued to October 15, 2008.

Dated: \_\_\_\_\_

By:

Honorable Saundra Brown Armstrong  
United States District Judge